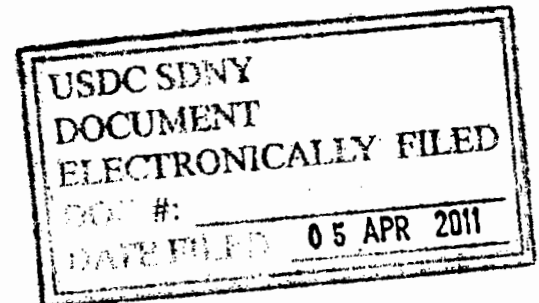


Patrick J. Dwyer
609 734 6186
609 987 6651 facsimile
pdwyer@smithstratton.com

April 5, 2011

VIA FACSIMILE (212) 805-0426

Honorable Laura T. Swain
United States District Judge
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street, Room 755
New York, New York 10007-1312



Re: Ergon, Inc., et al. v. NYMagic, Inc., et al.
No. 11 Civ. 1080 (LTS)(FM)

MEMO ENDORSED

Dear Judge Swain:

We represent Defendants in the above-referenced matter. Defendants received the complaint in this matter on March 25, 2011, and they currently have until April 15, 2011 to answer or otherwise respond. Additionally, along with the complaint, Defendants received a copy of Your Honor's Initial Conference Order dated February 25, 2011, and filed March 1, 2011, that scheduled a pre-trial conference for May 20, 2011.

Defendants respectfully request a 30 day extension of the April 15, 2011 due date for them to answer or otherwise respond to Plaintiffs' complaint, thereby making Defendants' responses to Plaintiffs' complaint due on May 16, 2011. Additionally, Defendants respectfully requests an adjournment of the pre-trial conference for approximately 30 days.¹ We have conferred with Plaintiffs' counsel and they consent to our adjournment requests.

We thank the Court for its consideration of Defendants' requests

The requests are granted. The initial conference is adjourned to June 24, 2011, at 10:15 AM.

SO ORDERED.

Respectfully submitted,

A handwritten signature of Patrick J. Dwyer.

Patrick J. Dwyer
PD - 3812

NEW YORK, NY

A handwritten signature of Laura Taylor Swain.
LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE

April 5, 2011

cc: Kanishka Agarwala (via fax)

¹ We have not proposed a new date for the pre-trial conference and are amenable to any date the Court selects if it grants Defendants' adjournment request.